

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

**STIPULATION FOR THE AWARD AND  
PAYMENT OF ATTORNEY FEES AND  
EXPENSES PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT, 28 U.S.C.  
§ 2412(d)**

1 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
2 subject to the approval of the Court, that Plaintiff Donald Ambrose Moody be awarded attorney fees in  
3 the amount of five thousand six hundred forty-nine dollars and forty-seven cents (\$5,649.47) under the  
4 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for  
5 all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in  
6 accordance with 28 U.S.C. §§ 1920; 2412(d).

7 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the  
8 matter of Plaintiff's assignment of EAJA fees to Olinsky Law Group. Pursuant to *Astrue v. Ratliff*,  
9 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will  
10 depend on whether the fees are subject to any offset allowed under the United States Department of  
11 the Treasury's Offset Program. After the order for EAJA fees is entered, the government will  
12 determine whether they are subject to any offset.

13 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that  
14 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees and  
15 expenses to be made directly to Olinsky Law Group, pursuant to the assignment executed by Plaintiff.  
16 Any payments made shall be delivered to Olinsky Law Group, 250 South Clinton Street, Suite 210,  
17 Syracuse, NY 13202 (EIN 26-2258247). Any payment of costs may be made either by electronic fund  
18 transfer (EFT) or by check.

19 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney  
20 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or  
21 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and  
22 all claims that Plaintiff and/or Olinsky Law Group and Hal Taylor may have relating to EAJA attorney  
23 fees in connection with this action.

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1 This award is without prejudice to the rights of Hal Taylor and/or Olinsky Law Group to seek  
2 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of  
3 the EAJA.

4  
5  
6 Dated: June 21, 2022

Respectfully submitted,

7 OF COUNSEL, OLINSKY LAW GROUP

8 /s/ Hal Taylor  
9 HAL TAYLOR  
Attorney for Plaintiff

10  
11 Dated: June 21, 2022

Respectfully submitted,

12 CHRISTOPHER CHIOU  
13 Acting United States Attorney  
District of Nevada  
14 Nevada Bar No. 14853

15 DANIEL P. TALBERT, SBN OH 0084088  
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18 \*(as authorized by email on June 15, 2022)\*  
E-Mail: [daniel.talbert@ssa.gov](mailto:daniel.talbert@ssa.gov)

19 Attorneys for Defendant  
20

21 IT IS SO ORDERED:

22   
23 HON. CAM FERENBACH  
24 UNITED STATES MAGISTRATE JUDGE

25 DATED: June 22, 2022  
26

**CERTIFICATE OF SERVICE**

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 250 South Clinton Street, Syracuse, NY 13202. On the date set forth below, I caused service of **STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Daniel P. Talbert  
[daniel.talbert@ssa.gov](mailto:daniel.talbert@ssa.gov)  
Attorney for Defendant

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 21, 2022

/s/ Hal Taylor  
HAL TAYLOR  
Attorney for Plaintiff  
Of Counsel, Olinsky Law Group